



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a Resolution Awarding the Contract for Hale Park, 209 E. Locust Street and Blakely Park, 1050 S. Stockton Street Playground Surfacing Improvements to Diede Construction, of Woodbridge (\$73,442) and Appropriating Funds (\$88,000)

MEETING DATE: November 18, 2009

PREPARED BY: Interim Parks and Recreation Director

RECOMMENDED ACTION: Adopt a resolution awarding the contract for Hale Park, 209 E. Locust Street and Blakely Park, 1050 S. Stockton Street playground surfacing improvements to Diede Construction, of Woodbridge (\$73,442) and appropriating funds (\$88,000).

BACKGROUND INFORMATION: On September 2, 2009, the City Council approved plans and specifications and authorized staff to bid the project. This project was part of the Parks and Recreation Department's 2009/10 Community Development Block Grant request.

The work consists of providing all labor, materials and equipment to repair approximately 3,550 square feet of existing poured-in-place safety playground material at Hale Park. Work also includes cleaning, repair work and an application of new acrylic urethane over the existing poured-in-place surface for the swing area at Blakely Park.

The project was advertised in two local newspapers and nine building exchanges from September 5, 2009 through September 23, 2009. The bid opening took place on October 7, 2009. The bid specifications stipulated that all general contractors interested in bidding this project are required to be in attendance at the mandatory job walk in order to be eligible to bid the project. The mandatory job walk is an opportunity for all contractors to walk through the project with City staff, ask questions regarding the scope of work, and review the existing site conditions. There were 13 general contractor plan holders for this project and two general contractors attended the mandatory job walk.

The City received the following bids for this project:

Bidder	Location	Bid
Engineer's Estimate		\$76,667.75
Diede Construction	Woodbridge	\$73,441.79
Playgrounds Unlimited	Sunnyvale	\$76,813.55

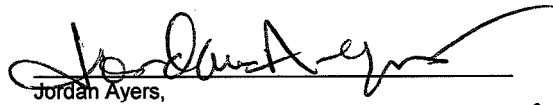
APPROVED: _____


Blair King, City Manager

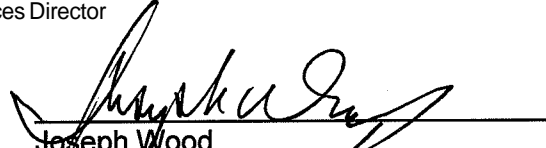
FISCAL IMPACT: There is no direct impact to the Parks and Recreation Department budget for the playground surfacing improvements at Hale Park or Blakely Park. The Urban County CDBG funds will support Hale Park and 2009/2010 Entitlement CDBG funds will support the improvements at Blakely Park.

FUNDING:

Hale Park	
Urban County CDBG Funds:	\$60,000
Blakely Park	
2009/2010 Entitlement CDBG Funds:	\$28,000


Jordan Ayers,
Deputy City Manager/ Internal Services Director


James M. Rodems
Interim Parks and Recreation Director


Joseph Wood
Neighborhood Service Manager

Prepared by Steve Virrey, Project Coordinator

cc: City Attorney
Joseph Wood, Service Manager
Wes Fujitani, Sr. Civil Engineer

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and Diede Construction, Inc., herein referred to as the "Contractor."

W I T N E S S E T H :

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The July 1992 Edition,
Information to Bidders	Standard Specifications,
General Provisions	State of California,
Special Provisions	Business and Transportation Agency,
Bid Proposal	Department of Transportation
Contract	
Contract Bonds	
Plans	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, **administrators, successors and assigns, do** hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

Perform the work of providing all labor, materials, and equipment to repair approximately 3,550 square feet of existing poured-in-place safety playground material at Hale Park. Work also includes cleaning, repair work and an application of new acrylic urethane over the existing poured-in-place surface for the swing area at Blakely Park and other incidental and related work, all as shown on the plans and specifications for the project.

HALE PARK BID ITEMS

ITEM NO.	DESCRIPTION	UNIT	EST'D QTY	UNIT PRICE	TOTAL PRICE
1.	Furnish, Install Temporary Project Sign with Posts	EA	1	\$951.60	\$951.60
2.	Furnish and Install Temporary Fencing	LF	425	\$3.65	\$1,551.25
3.	Remove and Dispose of Existing Poured-In-Place Playground Material	SF	3,550	\$1.49	\$5,289.50
4.	Remove and Dispose Existing Sub-Grade Material	LS		\$6,319.50	\$6,319.50
5.	Furnish and Install New Compacted Class 2 Aggregate Base Rock	CY	50	\$122.00	\$6,100.00
6.	Remove and Re-Top Damaged EDPM Rubber Areas	SF	100	\$9.76	\$976.00
7.	Furnish and Install New Poured-In-Place Playground Material	SF	3,550	\$12.52	\$44,446.00

ITEM NO.	DESCRIPTION	UNIT	EST'D QTY	UNIT PRICE	TOTAL PRICE
8.	Furnish and Install New Acrylic Urethane Coating Also include Pressure Washing of Entire Play Area	SF	7,065	\$0.52	\$3,673.80

HALE PARK
TOTAL BID: **\$69,307.75**

BLAKELY PARK BID ITEMS

ITEM NO.	DESCRIPTION	UNIT	EST'D QTY	UNIT PRICE	TOTAL PRICE
1.	Furnish, Install Temporary Project Sign with Posts	EA	1	\$951.60	\$951.60
2.	Furnish and Install Temporary Fencing	LF	180	\$5.06	\$910.80
3.	Remove and Re-Top Damaged EDPM Rubber Areas	SF	100	\$9.76	\$9.76
4.	Furnish and Install New Acrylic Urethane Coating Also Include Pressure Washing of Entire Play Area	SF	2,124	\$0.61	\$1,295.64

BLAKELY PARK
TOTAL BID: **\$4,134.04**

**HALE PARK &
BLAKELY PARK
COMBINED BID
TOTAL:** **\$73,441.69**

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the Mayor has executed the contract and to diligently prosecute to completion within 30 WORKING DAYS.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI

Blair King
City Manager, City of Lodi

By: _____

Attest:

Title

Randi Johl
City Clerk

(CORPORATE SEAL)

Dated: _____

Approved as to form:

D. Stephen Schwabauer
City Attorney

RESOLUTION NO. 2009-160

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE CONTRACT FOR HALE PARK,
209 EAST LOCUST STREET, AND BLAKELY PARK,
1050 SOUTH STOCKTON STREET, PLAYGROUND
SURFACING AND FURTHER APPROPRIATING FUNDS

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on October 7, 2009, at 11:00 a.m., for the surfacing improvements at Hale Park, 209 E. Locust Street, and Blakely Park, 1050 S. Stockton Street, described in the specifications therefore approved by the City Council on September 2, 2009; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Diede Construction	Woodbridge	\$73,441.79
Playgrounds Unlimited	Sunnyvale	\$76,813.55

WHEREAS, staff recommends award of the contract to Diede Construction, of Woodbridge, California, in the amount of \$73,442.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the surfacing improvements at Hale Park, 209 E. Locust Street, and Blakely Park, 1050 S. Stockton Street, to Diede Construction of Woodbridge, California, in the amount of \$73,441.79; and

BE IT FURTHER RESOLVED that funds in the amount of \$88,000 be appropriated as follows:

'Hale Park:	Urban County CDBG Funds	\$60,000
Blakely Park:	2009/2010 Entitlement CDBG Funds	\$28,000

Dated: November 18, 2009

I hereby certify that Resolution No. 2009-160 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 18, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, Mounce, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. ROBISON
Assistant City Clerk